

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CHARLES ELLIS et al.,	:	
	:	
Plaintiffs,	:	Case No. 2:24-cv-3124
	:	
<b>vs.</b>	:	Judge Michael H. Watson
	:	
MEIGS COUNTY, OHIO, <i>et al.</i> ,	:	Mag. Judge Kimberly A. Jolson
	:	
Defendants.	:	

**PLAINTIFFS' MOTION TO DROP CERTAIN DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 21 and in compliance with the April 25, 2025 Offer of Judgment made pursuant to Federal Rule of Civil Procedure 68 from Defendants Meigs County, Donald Scott Fitch, Marty Hutton Jr., Joshua Golsby, and William Frank Stewart, which was accepted by Plaintiffs Charles Ellis and Caleb Ellis on May 9, 2025, Plaintiffs hereby move to dismiss with prejudice their claims in the above-captioned action against the following defendants: Meigs County, Donald Scott Fitch, Joshua Golsby, and William Frank Stewart.

Federal Rule of Civil Procedure 21 provides that, “on motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Under Sixth Circuit precedent, Rule 21 is the appropriate procedural vehicle for Plaintiffs to stipulate the dismissal of their claims against some—but not all—Defendants in the above-captioned matter. *See Philip Carey Manufacturing Company v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961).

As noted above, pursuant to the Offer of Judgment accepted by Plaintiffs on May 9, 2025, Plaintiffs have agreed to stipulate to the dismissal of their claims with prejudice against Meigs County, Donald Scott Fitch, Joshua Golsby, and William Frank Stewart. No non-moving party will be prejudiced if those individual Defendants are dropped from the above-captioned

case at this stage. *See Mullins v. C.R. Bard, Inc.*, No. 0:19-CV-85-JMH-EBA, 2020 WL 4288400, at \*2 (E.D. Ky. July 27, 2020) (citing *Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994)) (explaining that evaluation of potential prejudice under Rule 21 “overlaps with Rule 41 standards” and considers “(1) defendant’s effort and expense of preparation for trial; (2) excessive delay and lack of diligence on plaintiff’s part in prosecuting the case; (3) insufficient explanation for the need for dismissal; and (4) whether a motion for summary judgment is pending”).

The above-captioned case continues as to Plaintiffs’ claims against the remaining Defendant, Marty Hutton. Counsel for Defendants approves this motion. Upon entry by the Court granting this motion, a notice of acceptance of the offer of judgment referenced above will be filed.

A proposed entry for the Court’s consideration is attached hereto.

Respectfully submitted:

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 19 day of May, 2025, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Evan J. Lewis

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